

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 24, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Cory Rhoades, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation)

GUESTS: Shirley Klepadlo, Janet Muldoon, Ray Muldoon, Anne Munstedt, Fred Shaw, Pat Shaw, Karen Trask, Robert Wallace

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

MINUTES:

Motion to approve the Meeting Minutes of September 10, 2015, as revised, by P. Oehlkers, seconded by A. Richardson, approved 3-0-1 S. Farr abstained.

ENFORCEMENT & VIOLATION UPDATES

SOLAR CITY – NEEDHAM RECYCLING AND TRANSFER STATION

M. Varrell provided an update that the restoration plan from Solar City had not yet been submitted. It is not due until October 8, 2015. He further stated that Greg Smith of the RTS has indicated that replanting in the disturbed area does not make sense at this time as the entire site will be undergoing master planning activities. G. Smith and M. Varrell will be meeting with the Parks and Forestry staff to discuss if other locations in Needham (within the Buffer Zone) would be appropriate for tree plantings.

10-16 CHARLES STREET

M. Varrell stated that per the Order of Conditions, the approved mitigation work was to be completed by September 1, 2015 (unless otherwise approved by the Commission). M. Varrell conducted a site inspection on September 22, 2015 and noted that no work had commenced. The property owner was notified via email that they are in violation of their Order of Conditions and invited them to attend the meeting. Katherine Powers was in attendance and stated that her site manager had left the company and she was not aware of the requirement to finish the work by September 1st. She stated that she needs to get up to speed on the project and requested an extension of the deadline so she is able to meet with her Engineer.

The Commission granted Ms. Powers a two-week extension and requested she attend the October 8, 2015 to update the Commission. There was additional discussion with the co-owner, Robert Wallace of 10-16 Charles Street later in the meeting.

HEARINGS

1 ELIZABETH CIRCLE – *continued* NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Jeff Birnbaum

Project: An after-the-fact application for disturbance of Riverfront Area. The Applicant previously removed nine (9) trees and graded the lot, stockpiling all topsoil. Proposed work includes re-landscaping of the lot, including planting of new trees and shrubs, sodding of the lawn, and installation of a patio and fire pit, which is partially within Riverfront Area. An existing fence is proposed to be replaced. The Applicant is proposing to remove an additional five (5) trees within Riverfront Area.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received May 21, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received May 21, 2015
- ☐ Plan entitled: “Site Plan of Land in Needham, MA 1 Elizabeth Circle”, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, P.E. #31480 and Bruce Bradford, P.L.S. #38376, dated 11/4/14 (revised 5/18/15).
- ☐ Plan entitled: “Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 4/15/15, revised 6/25/15
- ☐ Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.
- ☐ Document entitled “Alternative Analysis for 1 Elizabeth Circle”, dated August 19, 2015

J. Carter Bernardo opened the public hearing at 7:45 p.m. M. Varrell stated DEP had not yet issued a File number.

The Commission had requested that the Applicant provide a revised Landscaping Plan that includes revisions, proposed plant sizes, and includes the 200-foot Riverfront Area line. M. Varrell reported that the revised plan had not been submitted.

Motion to continue the public hearing (for submittal of additional information and the issuance of a DEP File number) for 1 ELIZABETH CIRCLE (DEP File #234-7XX) to October 8, 2015 at 7:45 p.m. by P. Oehlkers, seconded by C. Rhoades, approved 6-0-0.

11 NEWELL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Nick Kesaris

Project: After the fact request for unpermitted placement of sod and installation of pavers beneath the existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Nick Kesaris

J. Carter Bernardo opened the public hearing at 7:47 p.m.

Nick Kesaris explained that his wife was hoping to use a portion of the area in front of the new fence for a vegetable garden and to plant some shrubs. J. Carter Bernardo had conducted a site visit since the last meeting and found no current erosion issues. The Applicant will provide the Commission with a plan showing the proposed locations of the garden and plantings. J. Carter Bernardo stated that a drain pipe is currently directed towards the neighbor’s property from the Applicant’s roof leader and asked that it be redirected back onto the Applicant’s property. The Applicant agreed.

Ray Muldoon (abutter) attended and asked about restrictions on tree removal. J. Carter Bernardo explained the exemption process and why hazard trees are allowed to be removed. Mr. Muldoon claimed

that the tree stumps had been grubbed and removed. Mr. Kesaris denied that any grubbing had taken place. Mr. Muldoon would prefer the area be returned to a natural condition. J. Carter Bernardo requested Conservation staff to inspect the site and determine what work has occurred in relation to the 25-foot Buffer Zone and report back to the Commission.

Motion to continue the public hearing for 11 NEWELL AVENUE (for a Site Visit and plan submittal) to October 22, 2015 at 7:45 by S. Farr, seconded by C. Rhoades, approved 6-0-0.

LINDEN STREET/CYPRESS STREET – NOTICE OF INTENT (DEP FILE #234- 741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: Paul Beaulieu, Field Resources

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ❑ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

J. Carter Bernardo opened the public hearing at 8:00 p.m.

M. Varrell stated that the Applicant had requested a continuance.

Motion to continue the public hearing for Linden Street/Cypress Street (DEP File #234-7XX) (at the Applicant’s Request) to October 8, 2015 at 7:45 p.m. by S. Farr, seconded by C. Rhoades, approved 6-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 38 BROOKSIDE ROAD (DEP FILE #234-737)

M. Varrell reported that D. Anderson had conducted the Certificate of Compliance inspection and had no issues. The lawn has come in nicely and the owners can remove the erosion controls.

Motion to issue the Certificate of Compliance for 38 Brookside Road (DEP File #234-737) by S. Soltzberg, seconded by S. Farr, approved 6-0-0

REQUEST FOR MINOR MODIFICATION – 415 WARREN STREET (LOT 2A) (DEP FILE #234-670)

M. Varrell explained that he thought the Engineer, Ardi Rrapi of Cheney Engineering Co., Inc. was going to be present to explain the proposed Modifications but he is not present. The proposed Minor Modifications include:

1. Installation of a gravity sewer connection from the house to Warren Street.
2. Raising of the house by 1.6 feet without any grading changes within the 100-foot Buffer Zone.
3. The 17-inch tree proposed for removal will be retained and a 7-inch tree will be removed.
4. The proposed drywell will be relocated to protect the 17-inch tree to be retained.
5. Installation of a foundation drain outside of the 50-foot Buffer Zone.
6. Extension of the deck to the corner of the house and the addition of the stairs.

Motion to approve the Minor Modifications to the Order of Conditions for 415 Warren Street (Lot 2A) (DEP File #234-670) by S. Farr, seconded by S. Soltzberg, approved 6-0-0

REQUEST FOR MINOR MODIFICATION – 415 WARREN STREET (LOT 2B) (DEP FILE #234-669)

M. Varrell explained that he thought the Engineer, Ardi Rrapi of Cheney Engineering Co., Inc. was going to be present to explain the proposed Modifications but he is not present. The proposed Minor Modifications include:

1. Installation of a gravity sewer connection from the house to Warren Street.
2. Raising of the house by 1-foot without any grading changes within the 100-foot Buffer Zone.
3. Installation of a foundation drain outside of the 50-foot Buffer Zone.
4. Extension of the deck to the corner of the house and the addition of the stairs.

Motion to approve the Minor Modifications to the Order of Conditions for 415 Warren Street (Lot 2B) (DEP File #234-669) by S. Farr, seconded by S. Soltzberg, approved 6-0-0

REQUEST FOR CERTIFICATE OF COMPLIANCE – BREWSTER DRIVE (LOT 2) (DEP FILE #234-550)

M. Varrell explained that D. Anderson had spoken to the Commission at the previous meeting regarding closing out the Permits for the Carol Brewster restoration project. When the Town purchased the property and the Order of Conditions was Amended, Special Conditions including a five year restoration monitoring condition were added. An intensive planting plan was implemented and monitoring reports were submitted. The final monitoring had taken place in 2014 and the Commission had received the final report in January 2015. The report showed the five year survival rate of the plantings to be 74%. The threshold, according to the OOC, to be considered “successful” is 75%.

Motion to issue the Certificate of Compliance for Brewster Drive (Lot 2) (DEP File #234-550) by S. Farr, seconded by A. Richardson, approved 6-0-0

REQUEST FOR CERTIFICATE OF COMPLIANCE – CAROL ROAD (LOT 1) (DEP FILE #234-551)

M. Varrell explained that D. Anderson had spoken to the Commission at the previous meeting regarding closing out the Permits for the Carol Brewster restoration project. When the Town purchased the property and the Order of Conditions was Amended, Special Conditions including a five year restoration monitoring condition were added. An intensive planting plan was implemented and monitoring reports were submitted. The final monitoring had taken place in 2014 and the Commission had received the final report in January 2015. The report showed the five year survival rate of the plantings to be 74%. The threshold, according to the OOC, to be considered “successful” is 75%.

Motion to issue the Certificate of Compliance for Carol Road (Lot 1) (DEP File #234-551) by S. Farr, seconded by S. Soltzberg, approved 6-0-0

REQUEST FOR USE OF RIDGE HILL RESERVATION – POLLARD SCHOOL

M. Varrell explained that this “team building” program is an annual request by the Pollard School to use Ridge Hill Reservation. They will be using the restrooms located in the garage which are in working order. P. Oehlkers expressed his concern that Ridge Hill is a good habitat for ticks and would like Conservation staff to provide the teacher with some educational tick prevention material. M. Varrell responded that they would provide the material.

86 PILGRIM ROAD (DEP FILE #234-734) – WAIVER FEE

M. Varrell explained that he had received a letter from the Applicant requesting the refund of the \$1,000 Waiver Fee for work originally proposed within the 25-foot Buffer Zone. The Applicant revised his plan, essentially pulling the proposed addition outside of the 25-foot Buffer Zone. At the time, the Applicant did not request the return of the Waiver Fee and the Permit was issued.

The Commission discussed the fact that the proposed work was no longer in the 25-foot Buffer Zone and a Waiver Request was no longer necessary; therefore, the \$1,000 Waiver Fee should be returned to the Applicant. M. Varrell will find out the process to refund the check as it has already been deposited in the account.

28 ROBINWOOD AVENUE (DEP FILE #234-735) – DISCUSSION

M. Varrell explained that the Order of Conditions issued for this landscaping work specifically stated that only non-motorized methods could be used to move and install plantings, the swing set play area and fire pit area. This condition was added to the OOC because the Notice of Intent application submitted stated no motorized vehicle would be necessary for the project. The 25-foot Buffer Zone is currently delineated by granite bounds and an erosion control line. The contractor has requested the use of a small bobcat in order to move some larger boulders proposed for use in the fire pit seating area. As the 25-foot Buffer Zone is easily identified on site, the Commission approved the request to use small machinery to move the boulders to the area described without need for a formal application.

Motion to adjourn the meeting by C. Rhoades, seconded by S. Soltzberg, approved 6-0-0.

The meeting was adjourned at 8:45pm.

NEXT PUBLIC HEARING

Thursday, October 8, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.